
 <b>State of Utah</b> DEPARTMENT OF NATURAL RESOURCES	Ref: NR-97-B-8	Page: 1 of 4
	Effective Date: 06/28/1997	Revision Date: 10/01/2021
POLICIES & PROCEDURES – <i>Human Resources</i>	Subject: <b>Conflict of Interest</b>	
Brian C. Steed, Executive Director	Signature: 	

## I. PURPOSE

This policy is part of the Department of Natural Resources overall effort to maintain the trust of the State's taxpayers, the department's customers, and to comply with Utah State Code. The purpose of the policy is to help maintain the desired trust level by preventing the department's employees from working in any capacity (employee, contractor, or volunteer) for any individual or organization (public or private) that may prevent the employee from efficiently performing their department assigned duties, or to create, have a potential to create, or even be perceived by the taxpayers and/or the department's customers as having a potential for creating a conflict of interest.

This policy is not intended to take the place of any State laws or rules governing the type of work in which the State's employees can engage. In any case where there is a conflict, the State law or rule will take precedence. The statutory authority for this policy is found in the "Public Officers and Employee Ethics Act" found in Section 67, Chapter 16, of the *Utah State Code Annotated* as implemented by State Rule R477-9-2 "Employee Conduct."

## II. POLICY


It is the responsibility of all department employees to ensure they are not or will not become involved in conflict of interest situations or activities.

- A. No employee of the department shall perform any work as an employee, contractor, or volunteer for any individual or organization (public or private) where there is a conflict, the potential for a conflict, or the appearance of a conflict between the interests of the State and those of the organization.
- B. The department reserves the right to require an employee whose outside work is deemed to be in conflict with the needs and interests of the State to terminate their working relationship with the individual or organization. Non-compliance with such a request may result in disciplinary action up to and including termination.
- C. Career service employees who have had their request for authorization to work for an individual or organization denied may grieve the decision in accordance with the rules and procedures established by the Career Service Review Board.
- D. All department employees must annually complete a *Conflict of Interest* form that accurately reflects the current status of their outside work activities. This form will be kept in an official centralized file maintained by each division.
- E. Employees who fail to fully comply with this policy may be disciplined, up to and including termination, in accordance with DHRM Rule R477-11.

## III. DEFINITIONS

- A. Employee – An individual who performs work for the department including full-time employees, part-time employees, career service employees, time-limited employees, seasonal employees,



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and volunteers (volunteers are those who work on an ongoing basis more than 14 calendar days per year).

- B. Department – The Department of Natural Resources.
- C. Outside work – Work (paid or unpaid) that is performed for any individual or organization other than the department.
- D. Conflict of interest – There are several criteria that determine if outside work is a conflict of interest, has the potential for creating a conflict of interest, or results in the appearance of a conflict of interest. Any one of these criteria by itself may constitute a conflict of interest or the potential for a conflict of interest. These are examples and are not intended to include every possible scenario:
  1. Being engaged in work for an individual or organization other than the department during the same hours the employee is scheduled to be working for the department.
  2. Performing work for an individual or organization other than the department that would impair or appear to have the potential to impair the employee's independence of judgment in the performance of his/her department duties.
  3. Performing outside work that would render the employee incapable of performing at full capacity in their department position because of fatigue, anxiety, or other impairments.
  4. Performing work for an individual or organization whose purpose or activities are deemed to be, or have the appearance of being, incompatible or in conflict with the interest of the State.
  5. Outside work that may induce an employee to improperly disclose controlled information that they have gained by reason of department employment.
  6. Outside work that might interfere with the ethical performance of the employee's public duties.
  7. Receiving compensation for assisting an outside organization or individual in a transaction involving the department without first filing a disclosure statement in accordance with the requirements found in Section 67-16-7 of the *Utah State Code Annotated*.

#### IV. PROCEDURES

- A. New employees must complete a *Conflict of Interest* form as part of the new employee orientation or within five days after they read and sign the *Conflict of Interest / Outside Employment Declaration* form when onboarding. It is the responsibility of the hiring official (or supervisor) to ensure this is completed.
- B. Current employees must complete and submit a new *Conflict of Interest* form annually or whenever their outside work status changes and review their status with their supervisor during the annual Performance Management Evaluation. Supervisors will make a conflict of interest goal in the UPM system and indicate the conflict of interest discussion took place during the



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annual performance evaluation. In addition, an updated Conflict of Interest form will be completed and forwarded to the division coordinator for central filing (the form may also be uploaded into UPM for reference by the supervisor if desired). Below is an example of a goal that can be made in UPM.

**Goal: Conflict of Interest**

- **Expectation:** Discuss potential conflict of interest issues and complete a new conflict of interest form.
- **Strategy:** DNR policy states employee conflict of interest status should be reviewed annually with supervisors during the annual performance evaluation and a new form completed.
- **Support Required:** Complete a new Conflict of Interest form and submit it following the proper process indicated in DNR policy.
- **Expected Outcome:** Record the results of the COI review in UPM.
- **Actual Outcome:**
- **Timetable:** 06/30/2022
- **Achieved On:**
- **Results:** Pending

- C. Current employees who contemplate beginning outside work will complete a *Conflict of Interest* form and forward it to their supervisor as far in advance of their planned start date as possible so that the required reviews can be completed before they actually start work.
- D. If the nature of the employee's outside work has significantly changed, a new *Conflict of Interest* form must be completed and submitted to their supervisor.
- E. In the case of a consultant, a new *Conflict of Interest* form must be completed and submitted to their supervisor before the employee starts performing work for the new client.
- F. If the employee indicates on the form that they have no outside work commitments, the supervisor will sign the form and forward it to the assigned division coordinator to file it in the division's centralized conflict of interest file.
- G. If the employee indicates on the form they have outside work, the supervisor will review the employee's statement and indicate on the form whether or not they approve, deny, or grant conditional approval for the outside activities. If the outside activities are denied, specific reasons for the denial must be stated on the form. If conditional approval is granted, the supervisor must make recommendations on the form that if implemented, would eliminate conflict concerns and declare they will monitor to ensure the employee is adhering to the specifications of their conditional approval. The supervisor must then forward the form to the division director for further review and approval within five (5) working days of receipt.
- H. The division director will review both the employee's statement and the supervisor's recommendations before indicating on the form whether or not they approve, deny, or grant conditional approval of the outside activities. If the outside activities are denied, specific reasons for the denial must be stated on the form. If conditional approval is granted, the division director must make recommendations on the form that if implemented, would eliminate conflict concerns. The division director must then forward the document to the Department Executive Director (or



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respective Department Deputy Director overseeing that division) for review within five (5) working days of receipt.

- I. The Executive Director (or respective Department Deputy Director overseeing that division) will then review all of the information on the form and make a final determination (with consultation from the HR Director if needed). Once complete, they will return the document to the division for filing. The division will make a copy for the employee and inform them of the final determination within five (5) working days of receipt and then file the form in a central location (the supervisor should also upload it into UPM).
- J. Each division will have an assigned coordinator who maintains a central file (hard copy, electronically, or both) of all conflict of interest forms submitted on a calendar year basis who will track and ensure all forms are submitted annually and remind supervisors, if necessary, forms need to be completed and submitted.





## State of Utah Department of Natural Resources Conflict of Interest Declaration

Employee name: (Please Print)	EIN:
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To the employee: Information disclosed on this form is confidential and for administrative use only. It is the employee's responsibility to keep an accurate form on file. If the circumstances described below change, a new form indicating the change must be filed within five working days. Per DHRM R477-9-2 (1) an employee shall notify agency management in writing of outside employment. Failure to notify the employer and to gain approval for outside employment is grounds for disciplinary action.

### Section I – Employee Information

Position Title:	Division:
Supervisor's Name (Please Print):	

### Section II – Outside Activity Status

**Check one box only.**

- ☐ I have read the Utah State Department of Natural Resources Conflict of Interest Policy. I am not currently involved in outside employment or volunteer activities. Please sign and date declaration below and return to your supervisor who will also send a copy to the division coordinator for filing.
- ☐ I have read the Utah State Department of Natural Resources Conflict of Interest Policy. I am currently involved or plan to be involved in outside employment or volunteer activities. Please complete section below and return to your supervisor.

Name of Outside Organization:	Work Schedule (days and/or number of hours worked):
<input type="checkbox"/> Employed <input type="checkbox"/> Volunteer	Position Title:

Describe all paid employment or volunteer activities outside of your employment with the Department of Natural Resources.

Based on DNR Policy, do you believe that your paid employment or volunteer activities outside the Department of Natural Resources is or could be a conflict? Yes ☐ No ☐ Describe the steps you will take to prevent or avoid conflicts, if approval is granted.

Employee's Signature Ψ	Print Name Here	Date Signed
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### Section III – Immediate Supervisor Action

**Check one box only.**

- ☐ Approved - I have read the employee's statement and believe there is no conflict of interest. (Forward form to Division Director for further evaluation.)
- ☐ Denied - I have read the employee's statement and believe there is or may be a conflict of interest (state specific reasons in comments section below).
- ☐ Conditional Approval - I would not oppose the employee's involvement if they comply with the steps indicated to prevent or avoid conflicts and the following additional limitations (if any) and/or procedures were complied with (describe in comments section below). I will actively monitor to ensure the employee is adhering to the specifications listed if their conditional approval is allowed. (Forward form to Division Director for further evaluation.)

Comments

**Please sign and date below and forward to the Division Director.**

Supervisor's signature

Print Name Here

Date Signed

Ψ

### Section IV – Division Director Action

**Check one box only.**

- ☐ Approved - I have read the employee's statement and believe there is no conflict of interest. (Forward form to Department Director or Department Deputy Director overseeing this Division for further evaluation.)
- ☐ Denied - I have read the employee's statement and believe there is or may be a conflict of interest (state specific reasons in comments section below).
- ☐ Conditional Approval - I would not oppose the employee's involvement if they comply with the steps indicated to prevent or avoid conflicts and the following additional limitations (if any) and/or procedures were complied with (describe in comments section below). The employee's supervisor will actively monitor to ensure the employee is adhering to the specifications listed if their conditional approval is allowed. (Forward form to Department Director or Department Deputy Director overseeing this Division for further evaluation.)

Comments

**Please sign and date below and forward to the Department Executive Director.**



## State of Utah Department of Natural Resources Conflict of Interest Declaration

Division Director's signature	Print Name Here	Date Signed
Ψ		

### Section V – Executive Director or Deputy Director Action

**Check one box only.**

- ☐ Approved - I have read the employee's statement and believe there is no conflict of interest.
- ☐ Denied - I have read the employee's statement and believe there is or may be a conflict of interest (state specific reasons in comments section below).
- ☐ Conditional Approval - I would not oppose the employee's involvement if they comply with the steps indicated to prevent or avoid conflicts and the following additional limitations (if any) and/or procedures were complied with (describe in comments section below). The division will actively monitor to ensure the employee is adhering to the specifications listed if their conditional approval is allowed.

Comments

**Please sign and date below and return to Division**

Executive Director or Deputy Director signature	Print Name Here	Date Signed
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